

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS RAMM,

Defendant.

Case No. [19-cr-00016-EMC-1](#)

**ORDER DENYING DEFENDANT'S  
MOTION FOR COMPASSIONATE  
RELEASE**

Docket No. 60

Currently pending before the Court is Defendant Thomas Ramm's motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). Having considered the parties' briefs and accompanying submissions, including but not limited to the supplemental brief submitted by Mr. Ramm, the Court hereby **DENIES** the motion for relief. The Court acknowledges, in particular, Mr. Ramm's HIV status and the COVID-19 pandemic but nevertheless finds that there are not extraordinary and compelling circumstances warranting relief. COVID-19 conditions have improved. Moreover, Mr. Ramm can be vaccinated for the disease. The CDC has not determined that persons with HIV should not be vaccinated. Further, the Court afforded an opportunity to extend the time for Mr. Ramm to report to the BOP in order for the COVID risk within the BOP to subside with the advent of the vaccine and implementation of remedial measures. Mr. Ramm declined and opted to report. Upon his incarceration, Mr. Ramm immediately filed this petition.

The case that Mr. Ramm cites in his supplemental brief (*United States v. Morrison*, No. CR-18-0238 CRB (N.D. Cal.)) is not dispositive. The underlying facts make that case distinguishable – *e.g.*, the government opposed the motion only on the basis that the defendant had

1 failed to administratively exhaust and, at that point in time, the COVID-19 conditions were  
2 different and there was no vaccine available.

3 The Court also notes that Mr. Ramm's situation is largely of his own making. The Court  
4 was willing to defer Mr. Ramm's surrender date but it was Mr. Ramm who insisted on  
5 surrendering at the height of the COVID-19 pandemic.

6 This order disposes of Docket No. 60.

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8 **IT IS SO ORDERED.**

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10 Dated: April 29, 2021

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13 EDWARD M. CHEN  
14 United States District Judge  
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